



## ALASKA POLLUTANT DISCHARGE ELIMINATION SYSTEM

### INDIVIDUAL PERMIT – FINAL

Permit Number: AK0053619

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, AK 99501

In compliance with the provisions of the Clean Water Act (CWA), 33 U.S.C. §1251 *et seq.*, as amended by the Water Quality Act of 1987, P.L. 100-4, this permit is issued under provisions of Alaska Statutes (AS) 46.03; the Alaska Administrative Code (AAC) as amended; and other applicable State laws and regulations. The

#### ALASKA ELECTRIC AND ENERGY COOPERATIVE, INC.

is authorized to discharge from the Nikiski Combined Cycle Plant near Kenai, Alaska at the following location:

Outfall	Receiving Water or Body	Latitude	Longitude
001A	Cook Inlet	60.6759293' North	151.3953853' West

In accordance with the discharge point(s) effluent limitations, monitoring requirements, and other conditions set forth herein:

This permit and authorization shall become effective August 1, 2024

This permit and the authorization to discharge shall expire at midnight, July 31, 2029

The permittee shall reapply for a permit reissuance on or before February 1, 2029, 180 days before the expiration of this permit if the permittee intends to continue operations and discharge(s) at the facility beyond the term of this permit.

The permittee shall post or maintain a copy of this permit to discharge at the facility and make it available to the public, employees, and subcontractors at the facility.

  
Signature

James Rypkema

Printed Name

June 10, 2024

Date

Program Manager

Title

## TABLE of CONTENTS

<b>SCHEDULE OF SUBMISSIONS</b> .....	<b>3</b>
<b>1.0 LIMITATIONS AND MONITORING REQUIREMENTS</b> .....	<b>4</b>
1.1 Discharge Authorization .....	4
1.2 Effluent Limits and Monitoring .....	4
1.3 Whole Effluent Toxicity Testing Requirements (WET).....	6
1.4 Mixing Zone.....	10
<b>2.0 SPECIAL CONDITIONS</b> .....	<b>10</b>
2.1 Quality Assurance Project Plan (QAPP).....	10
2.2 Best Management Practices (BMP) Plan .....	11
2.3 Chemical Additives.....	13
2.4 Additional Monitoring .....	14
<b>3.0 GENERAL PROVISIONS</b> .....	<b>14</b>
3.1 Wastewater System Plan Review.....	14
3.2 Electronic Reporting (E-Reporting) Rule .....	15
3.3 Cause to Modify or Revoke and Reissue.....	15
3.4 Removed Substances .....	15

## TABLES

Table 1- Schedule of Submissions.....	3
Table 2- Outfall 001A Effluent Limits and Monitoring Requirements.....	6

## APPENDICES

- Appendix A. Standard Conditions
- Appendix B. Acronyms
- Appendix C. Definitions

## SCHEDULE OF SUBMISSIONS

The Schedule of Submissions summarizes some of the required submissions and activities the permittee must complete and/or submit to the Alaska Department of Environmental Conservation (DEC or the Department) during the term of this permit. The permittee is responsible for all submissions and activities even if they are not summarized below.

**Table 1- Schedule of Submissions**

Location of Requirement	Submittal or Completion	Frequency	Due Date	Submit to <sup>a</sup>
Appendix A Section 3.2 Permit Section 3.1	Discharge Monitoring Report (DMR)	Monthly	Must be postmarked or submitted electronically through the NetDMR system, on or before the 15 <sup>th</sup> day of the following month.	Compliance
Permit Section 1.3.7	Whole Effluent Toxicity Monitoring Report	As required	Must be submitted as an attachment with the DMR following the month in which the testing results are received.	Compliance
Appendix A Section 1.3	Application for Permit Reissuance	1/permit cycle	180 days before expiration of the final permit.	Permitting
Permit Section 2.4	Form 2C Effluent Monitoring	1/permit cycle	With the application for permit reissuance, 180 days before expiration of the final permit.	Permitting
Appendix A Section 3.4	Oral notification of noncompliance	As required	Within 24 hours from the time the permittee becomes aware of the circumstances of noncompliance.	Compliance
Appendix A Section 3.4	Written documentation of noncompliance	As required	Within 5 days after the permittee becomes aware of the circumstances.	Compliance Program
Appendix A Section 3.5	Other Noncompliance Reporting	As required	At the time the permittee submits DMRs under Appendix A, Part 3.2.	Compliance

a) See Appendix A Section 1.1 for addresses

## 1.0 LIMITATIONS AND MONITORING REQUIREMENTS

### 1.1 Discharge Authorization

During the effective period of this permit, the permittee is authorized to discharge pollutants from Outfall 001A to Cook Inlet, within the limits and subject to conditions set forth herein. This permit authorizes discharge of only those pollutants resulting from facility processes, waste streams, and operations clearly identified in the permit application process.

### 1.2 Effluent Limits and Monitoring

- 1.2.1 The permittee must limit and monitor discharges from Outfall 001A as specified in Table 2. All values represent maximum effluent limits, unless otherwise indicated. The permittee must comply with effluent limitations in the table at all times unless otherwise indicated, regardless of monitoring frequency or reporting required by other provisions of this permit.
- 1.2.2 Discharge shall not cause contamination of surface or ground waters and shall not cause or contribute to a violation of the Alaska Water Quality Standards (18 AAC 70), unless allowed in this permit through exceptions to the standards or in a compliance schedule 18 AAC 70.200 – 70.270 and 18 AAC 70.910.
- 1.2.3 The permittee must not discharge any floating solids, debris, sludge, deposits, foam, scum, or other residues that cause a film, sheen, or discoloration on the surface of the receiving water or adjoining shorelines; cause a film, sheen, or discoloration on the surface of the receiving water, within the water column, on the bottom, or upon adjoining shoreline. A description of observed residues on the surface of the receiving water, within the water column, on the bottom, or upon adjoining shoreline must be reported as an attachment to the DMR for the month following the observation.
- 1.2.4 There shall be no discharge of polychlorinated biphenyl compounds (PCBs) such as those commonly used for transformer fluid.
- 1.2.5 Effluent samples must be collected from the effluent stream after the last treatment unit before discharge into receiving waters.
- 1.2.6 For all effluent monitoring, the permittee must use a sufficiently sensitive Environmental Protection Agency (EPA) approved test method that quantifies the level of pollutants to a level lower than applicable limits or water quality standards or use the most sensitive Title 40 Code of Federal Regulations (CFR) Part 136 (Guidelines Establishing Test Procedures for the Analysis of Pollutants), adopted by reference at 18 AAC 83.010(f) test method available.
- 1.2.7 For purposes of reporting on the DMR for a single sample, if a value is less than the method detection limit (MDL), the permittee must report “less than (<) {numeric value of MDL}” and if a value is less than the minimum level (ML) [also called a reporting limit (RL), practical quantification limit (PQL), or limit of quantitation (LOQ)] the permittee must report “less than (<) {numeric value of ML}.”

- 1.2.8 For purposes of calculating monthly averages, zero may be assigned for values less than the MDL and the numeric value of the MDL may be assigned for values between the MDL and the ML. If the average value is less than the MDL, the permittee must report “less than (<) {numeric value of MDL}” and if the average value is less than the ML, the permittee must report “less than (<) {numeric value of ML}.” If a value is equal to or greater than the ML, the permittee must report and use the actual value.
- 1.2.9 For purposes of calculating the reported daily maximum pounds per day, the permittee must use the maximum observed effluent flow rate measured on the date the effluent sample was collected. For purposes of calculating the reported weekly or monthly pounds per day, the permittee should use the appropriate average flow, weekly or monthly.
- 1.2.10 Permittees have the option of taking more frequent samples than are required in the permit. These samples must be used for averaging if they are conducted using the Department-approved test methods (generally found in 18 AAC 70 and 40 CFR §136) and if the MDL is less than the effluent limit.

Table 2- Outfall 001A Effluent Limits and Monitoring Requirements

Effluent Limits				Monitoring Requirements	
Parameter <sup>a</sup>	Units <sup>b</sup>	Monthly Average	Daily Maximum	Sample Frequency	Sample Type
Flow	gpd	30,000	42,000	Continuous <sup>c, d</sup>	Recorded
Oil and Grease	mg/L	15.0	20.0	1/Month	Grab
	lbs/day	3.8	7.0		Calculated <sup>e</sup>
TSS	mg/L	30.0	100.0	1/Month	24-hour Composite <sup>f</sup>
	lbs/day	7.5	35		Calculated
pH	S.U.	N/A	6.5 - 8.5 at all times	Continuous	Recorded
Temperature	°C	23	28	Continuous	Recorded
PCBs	µg/L	No Discharge Permitted		1/Year	24-hour Composite
Arsenic	µg/L	N/A	Report	1/Quarter	24-hour Composite
Copper	µg/L	19	47	1/Month	24-hour Composite
	lbs/day	0.0048	0.016		Calculated
Manganese	µg/L	N/A	Report	1/Quarter	24-hour Composite
Zinc	µg/L	N/A	Report	1/Quarter	24-hour Composite

## Footnotes:

- a. All metals shall be analyzed as total recoverable.
- b. Units: gpd = gallons per day, mg/L = milligrams per liter, lbs/day = pounds per day, S.U.= standard units, °C= degrees Celsius, µg/L = micrograms per liter.
- c. Continuous recording may be interrupted for infrequent shutdowns for maintenance, process changes, or similar activities.
- d. For a continuously monitored parameter, a day is defined as a standard 24-hour calendar day beginning at 12:00 AM and ending at 11:59 PM. The highest daily maximum flow, pH, and temperature recording and the lowest daily minimum pH recording in a given month should be reported on the monthly DMR for that month.
- e. lbs/day = concentration (mg/L) x flow (gpd) x 8.34 (conversion factor)/1,000,000
- f. See Appendix C for a definition.

### 1.3 Whole Effluent Toxicity Testing Requirements (WET)

- 1.3.1 The permittee must conduct chronic toxicity tests during the second and fourth years of the permit. If toxicity is detected at the highest effluent concentration tested in the second year of the permit, the permittee must also conduct chronic toxicity testing during the third year of the permit. If toxicity is detected at the highest effluent concentration in the fourth year of the

permit, the permittee must also conduct chronic toxicity testing during the fifth year of the permit.

1.3.2 Testing shall be conducted in a different season from the prior year's testing event and must be conducted in accordance with Sections 1.3.3 through 1.3.6.

1.3.3 Chronic Test Species and Methods

1.3.3.1 The test species shall be the mussel (*Mytilus galloprovincialis*) and the test type shall be embryo-larval development in a 48-hour static non-renewal exposure.

1.3.3.2 If the permittee proposes an alternative species to be used for chronic toxicity testing, the permittee shall perform screening first and provide the results of the screening to DEC Permitting for review and written approval prior to implementing the use of the new test species.

1.3.3.3 Presence of chronic toxicity must be estimated as specified in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, 1st Edition, August 1995 EPA/600-R-95-136* (or as updated or superseded during the permit term).

1.3.3.4 Results must be reported in chronic toxic units (TUc) where  $TUc = 100/\text{no observed effluent concentration (NOEC)}$ . See Appendix C for a definition of NOEC.

1.3.4 Quality Assurance

1.3.4.1 The toxicity testing on each organism shall include a series of five test dilutions and a control. The series must include the instream waste concentration (IWC), two dilutions above the IWC, and two dilutions below the IWC. No concentration of the five test dilution series shall be greater than two times that of the next lower concentration. The IWC is the concentration of the effluent at the boundary of the mixing zone. The IWC for this discharge is estimated at 20% effluent.

1.3.4.2 The chronic toxicity trigger is defined as toxicity exceeding 5.0 TUc. Accelerated toxicity testing (Permit Section 1.3.5) is required if 5.0 TUc is exceeded.

1.3.4.3 All quality assurance criteria and statistical analyses used for chronic tests and reference toxicant tests must be in accordance with *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, 1st Edition, August 1995 EPA/600-R-95-136* (or as updated or superseded during the permit term) and individual test protocols).

1.3.4.4 Prior to testing, the salinity of the effluent samples must be adjusted to match, as close as possible, the salinity of water the test organisms were cultured in. Salinity adjustment must be done according to the protocols in *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, 1st Edition, August 1995 EPA/600-R-95-136* (or as updated or superseded during the permit term). If the use of hypersaline brine for salinity adjustment precludes the use of 80% effluent, the highest concentration after

salinity adjustment shall be considered the 80% effluent concentration.

1.3.4.5 In addition to those quality assurance measures specified in the methodology, quality assurance procedures must be followed:

1.3.4.5.1 The permittee shall make every effort to have the toxicity tests initiated within thirty-six hours of sample collection. If this is not possible, the permittee must document that the delivery time cannot be met and describe how the issue will be resolved. In no case should more than seventy-two hours elapse between sample collection and use of the sample. The sample must be held at 0-6 °C, from sample collection until test preparation.

1.3.4.5.2 If organisms are not cultured in-house, concurrent testing with reference toxicants must be conducted. If organisms are cultured in-house, monthly reference toxicant testing is sufficient. Reference toxicant tests must be conducted using the same test conditions as were used in the effluent toxicity tests.

1.3.4.5.3 If either one of the reference toxicant tests or the effluent tests do not meet all test acceptability criteria as specified in the test methods manual, the permittees must re-sample and re-test within 14 days of receipt of the test results.

1.3.4.5.4 To the extent practicable, control and dilution water should be receiving water. If the dilution water used is different from the culture water, a second control using culture water shall also be used. For purposes of this paragraph, "receiving water" means water collected from Cook Inlet outside of the influence of the facility's discharge. In no case shall water that has not met test acceptability criteria be used as dilution water.

### 1.3.5 Accelerated Testing

1.3.5.1 If toxicity is greater than 5.0 TUc in any test, the permittees shall conduct six biweekly tests (every two weeks) over a 12-week period. Accelerated testing must be initiated within two weeks of receipt of test results that indicate exceedance.

1.3.5.2 Initial investigation: If the permittee demonstrates through an evaluation of facility operations that the cause of the exceedance is known and corrective actions have been implemented, only one accelerated test is necessary.

1.3.5.3 The permittees shall notify DEC in writing of exceedances within two weeks of receipt of the test results. Notification shall include the following information:

1.3.5.3.1 A status report on any actions required by the permit with a schedule for actions not yet completed;

1.3.5.3.2 A description of any additional actions the permittees have taken or will take to investigate and correct the cause(s) of toxicity; and



- 1.3.5.3.3 Where no actions have been taken, a discussion of all reasons for not taking action.
  - 1.3.5.4 If none of the accelerated tests indicates toxicity greater than 5.0 TUC, the permittees may return to the normal testing frequency.
  - 1.3.5.5 If toxicity is greater than 5.0 TUC in any of the accelerated tests, the permittees must initiate a toxicity reduction evaluation (TRE) as outlined in Section 1.3.6 within 15 days of the exceedance.
  - 1.3.5.6 If the permittees are able to adequately demonstrate through an evaluation of facility operations that the cause of the exceedance(s) is known and corrective actions have been immediately implemented, or in cases where additional test quality assurance or quality control is necessary, only one accelerated test is necessary. If toxicity is greater than 5.0 TUC in this test, then TRE requirements in Section 1.3.6 shall apply.
- 1.3.6 Toxicity Reduction Evaluation and Toxicity Identification Evaluation
- 1.3.6.1 If toxicity is greater than 5.0 TUC in any of the accelerated tests, the permittees shall initiate a TRE in accordance with *Generalized Methodology for Conducting Industrial Toxicity Reduction Evaluations* (EPA/600-2-88-070, 1989). The permittees will develop a more detailed TRE workplan as expeditiously as possible. At a minimum, the workplan shall include:
    - 1.3.6.1.1 Further actions to investigate and identify the cause of toxicity,
    - 1.3.6.1.2 Actions the permittees will take to mitigate impact of the discharge and to prevent recurrence of toxicity, and
    - 1.3.6.1.3 A schedule for these actions.
  - 1.3.6.2 If a TRE is initiated before completion of accelerated testing, the accelerated testing schedule may be terminated or used as necessary in performing the TRE.
  - 1.3.6.3 The permittees may initiate a toxicity identification evaluation (TIE) as part of the TRE process. Any TIE must be performed in accordance with EPA guidance manuals, *Toxicity Identification Evaluation, Characterization of Chronically Toxic Effluents, Phase I* (EPA/600-6-91-005F, May 1992); *Methods for Aquatic Toxicity Identification Evaluation, Phase II: Toxicity Identification Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600-R-92-080, September 1993); and *Methods for Aquatic Toxicity Identification Evaluations, Phase III: Toxicity Confirmation Procedures for Samples Exhibiting Acute and Chronic Toxicity* (EPA/600-R-92-081, September 1993).
- 1.3.7 Reporting
- 1.3.7.1 The permittee shall submit as an attachment the results of the toxicity tests with the DMR following the month in which the testing results are received.

- 1.3.7.2 If applicable, a full accelerated testing report must be submitted within four weeks of receipt of the final testing results from the laboratory.
- 1.3.7.3 If toxicity is greater than 5.0 TUC in any test, a copy of the more detailed TRE workplan as required in Permit Section 1.3.6.1, must be submitted as an attachment with the DMR for the month following completion of the workplan.
- 1.3.7.4 If an initial investigation identifies the source of toxicity and accelerated testing is unnecessary, the result of the investigation must be submitted as an attachment with the DMR for the month following completion of the investigation.
- 1.3.7.5 The toxicity test report results must include all relevant information outlined in Section 10, *Short-term Methods for Estimating the Chronic Toxicity of Effluents and Receiving Waters to West Coast Marine and Estuarine Organisms, 1st Edition, August 1995 EPA/600-R-95-136* (or as updated or superseded during the permit term).

## 1.4 Mixing Zone

- 1.4.1 In accordance with state regulations at 18 AAC 70.240, a mixing zone for arsenic, copper, manganese, temperature, and WET is authorized in Cook Inlet for this discharge.
- 1.4.2 The chronic mixing zone has a dilution of 24:1 and is defined as a rectangle oriented parallel to the shoreline with a length of 9.3 meters and a width of 0.36 meters centered over the diffuser, extending from the seafloor to the sea surface.
- 1.4.3 The acute mixing zone for has a dilution of 10.5:1 and is defined as a rectangle oriented parallel to the shoreline with a length of 2.9 meters and a width of 0.04 meters centered over the diffuser, extending from the seafloor to the sea surface.

## 2.0 SPECIAL CONDITIONS

### 2.1 Quality Assurance Project Plan (QAPP)

- 2.1.1 Within 120 days of the effective date of the permit, the permittee shall review, update as necessary, and implement a QAPP for all monitoring required by this permit.
- 2.1.2 The QAPP must be designed to assist in planning for the collection and analysis of effluent and receiving water samples in support of the permit and to help explain data anomalies whenever they occur.
- 2.1.3 The QAPP shall be retained electronically or physically onsite and made available to DEC upon request.
- 2.1.4 The QAPP must be reviewed annually. Documentation of annual plan review by the permittee shall be retained onsite and made available to DEC upon request.
- 2.1.5 Throughout all sample collection and analysis activities, the permittee must use DEC-approved QA/QC and chain-of-custody procedures, as described in the *Requirements for Quality*

*Assurance Project Plans* (EPA/QA/R-5, March 2001) at <http://www.epa.gov/quality/qs-docs/r5-final.pdf> and *Guidance for Quality Assurance Project Plans* (EPA/QA/G-5, December 2002) at <http://www.epa.gov/quality/qs-docs/g5-final.pdf>. The QAPP must be prepared in the format specified in these documents.

2.1.6 At a minimum, a QAPP must include:

- 2.1.6.1 Details on number of samples, type of sample containers, preservation of samples, holding times, analytical methods, analytical detection and quantitation limits for each target compound, type and number of quality assurance field samples, precision and accuracy requirements, sample preparation requirements, sample shipping methods, and laboratory data delivery requirements;
- 2.1.6.2 Maps indicating the location of each sampling point;
- 2.1.6.3 Qualification and training of personnel;
- 2.1.6.4 Specifications for the collection and analysis of quality assurance samples for each sampling event, including matrix spiked and duplicate samples and analysis of field blanks (sample blanks); and
- 2.1.6.5 Name, address, and telephone number of all laboratories used by or proposed to be used by the permittee.

2.1.7 The permittee must amend the QAPP whenever sample collection, sample analysis, or other procedure addressed by the QAPP is modified.

## 2.2 Best Management Practices (BMP) Plan

2.2.1 Within 180 days of the effective date of this permit, the permittee shall review, update as necessary, and implement its BMP Plan. The BMP Plan shall incorporate practices to achieve the objectives and specific requirements listed below. The permittee shall fully comply with the BMP Plan along with any amendments.

2.2.2 The BMP Plan shall be retained electronically or physically onsite and made available to DEC upon request.

2.2.3 The BMP Plan must be reviewed annually. Documentation of annual BMP Plan review by the permittee shall be retained onsite and made available to DEC upon request.

2.2.4 Objectives. The BMP Plan shall be consistent with the following objectives for the control of pollutants:

2.2.4.1 The number and quantity of pollutants and the toxicity of effluent generated or discharged at the facility must be minimized by the permittee to the extent feasible by managing each waste stream in the most appropriate manner.

2.2.4.2 Under the BMP Plan, and any standard operating procedures included in the BMP Plan, the permittee must ensure proper operation and maintenance of the treatment facility.

- 2.2.5 The permittee must establish specific objectives for the control of pollutants by conducting the following evaluations:
- 2.2.5.1 Each facility component or system must be examined for its waste minimization opportunities and its potential for causing a release of significant amounts of pollutants to lands and waters of the U.S. due to equipment failure, improper operation, and natural phenomena such as storm water or snow melt runoff, etc. The examination must include all normal operations and ancillary activities including truck transport system, material storage areas, in-plant transfer, process, and material handling areas, loading, or unloading operations, other site runoffs, spillage or leaks, sludge and waste disposal, or drainage from raw material storage.
- 2.2.6 Requirements. The BMP Plan must be consistent with the objectives of Section 2.2.4 and the general guidance contained in *Guidance Manual for Developing Best Management Practices* (EPA/ 833-B-93-004, October 1993) and *Storm Water Management for Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices* (EPA/832-R-92-006, September 1992), or any subsequent revision to these guidance documents.
- 2.2.7 The BMP Plan must comply with the following conditions:
- 2.2.7.1 The BMP Plan shall be developed in accordance with good engineering practices.
  - 2.2.7.2 The BMP Plan shall be documented in narrative form, and shall include any necessary plat plans, drawings, or maps.
- 2.2.8 The BMP Plan shall be organized and written with the following structure:
- 2.2.8.1 Name and location of the facility.
  - 2.2.8.2 Statement of BMP policy.
  - 2.2.8.3 Structure, functions, and procedures of the BMP Committee.
- 2.2.9 Specific management practices and operating procedures to achieve the BMP objectives, including, but not limited to, the following:
- 2.2.9.1 Modification of equipment, facilities, technology, processes, and procedures,
  - 2.2.9.2 Statement of BMP policy,
  - 2.2.9.3 Substitution of materials,
  - 2.2.9.4 Improvement in management, inventory control, materials handling, or general operational phases of the facility,
  - 2.2.9.5 Risk identification and assessment,
  - 2.2.9.6 Materials compatibility,
  - 2.2.9.7 Good housekeeping,

- 2.2.9.8 Preventative maintenance,
  - 2.2.9.9 Inspections and records,
  - 2.2.9.10 Security,
  - 2.2.9.11 Employee training.
- 2.2.10 The BMP Plan must include, at a minimum, the following items:
- 2.2.10.1 At a minimum, the BMP Plan must contain the planning, development and implementation, and evaluation/reevaluation components discussed in *Guidance Manual for Developing Best Management Practices* (EPA/833-B-93-004, October 1993) or any subsequent revisions to the guidance document.
  - 2.2.10.2 Final constructed site plans, drawings, and maps (including detailed storm water outfall/culvert configurations).
- 2.2.11 Specific Best Management Practices. The BMP Plan must establish specific BMPs or other measures to achieve the objectives under Section 2.2.4, which ensure that the following specific requirements are met:
- 2.2.11.1 Solids, sludge, or other pollutants removed in the course of treatment or control of water and wastewater must be disposed in a manner to prevent any pollutant from such materials from entering into waters of the U.S.
- 2.2.12 BMP Plan Modification. The permittee must amend the BMP Plan whenever there is a change in the facility design, construction, operations, or maintenance which materially affects the facility's potential for discharge of significant amounts of hazardous or toxic pollutants into the waters of the U.S.
- 2.2.13 Modifications to the BMP Plan must be consistent with the objectives and requirements of this permit section.
- 2.2.14 If the BMP Plan proves to be ineffective as determined by the permittee or DEC, in achieving the general objective of preventing the release of significant amounts of pollutants to waters of the U.S. and the specific objectives and requirements listed in this section, the permit and/or the BMP Plan shall be subjected to modification to incorporate the revised BMP requirements.

## 2.3 Chemical Additives

- 2.3.1 The permittee shall notify the Department of any new chemical additives used in process waters at the facility 30 days prior to their anticipated use and for each shall submit to DEC for evaluation:
- 2.3.1.1 A description of the chemical or nonchemical treatment to be employed and its purpose;

- 2.3.1.2 The name and manufacturer of each additive used;
- 2.3.1.3 A list of active ingredients and percentage of composition;
- 2.3.1.4 Material Safety Data Sheets;
- 2.3.1.5 A proposed schedule and quantity of chemical usage, and provide an engineering analysis, or a technical evaluation of the active ingredients, to determine the concentration in the discharge; and
- 2.3.1.6 Additional available aquatic toxicity information for each additive proposed for use.

## 2.4 Additional Monitoring

The permittee shall conduct the effluent monitoring required in Alaska Pollutant Discharge Elimination System (APDES) Application Form 2C and submit the results to DEC with the application for permit reissuance. The application for permit reissuance must be submitted to DEC 180 days prior to the expiration of the permit. Monitoring for the parameters contained in this permit may be used to satisfy Form 2C monitoring requirements as long as the monitoring meets the “no more than three years” criteria as described in Form 2C. Form 2C may be found at the following site:

<https://dec.alaska.gov/water/wastewater/permit-entry/industrial-or-nondomestic>

## 3.0 GENERAL PROVISIONS

### 3.1 Wastewater System Plan Review

#### 3.1.1 Application for Department Approval

As per 18 AAC 72.200, except as otherwise provided in 18 AAC 72.010(c), 18 AAC 72.201, 18 AAC 72.511, or 18 AAC 72.611, in order to construct, install, modify, or operate a wastewater collection, treatment, storage, or disposal system, a person must obtain prior written approval. A person seeking approval shall provide to the Department a complete application that contains the information required in 18 AAC 72.

#### 3.1.2 Revisions to Approved Plans

As per 18 AAC 72.230 (a) and (b), after plans for a system design are approved under 18 AAC 72.225, the system owner, system operator, or design engineer must obtain written Department approval before making any revisions to that design that modifies or affects

- (1) capacity, flow, or operation;
- (2) the type or characteristics of the wastewater treated;
- (3) the design of major system components, such as treatment systems;
- (4) the point of discharge;
- (5) materials of major system components, including pipe and stabilization pond liners; or

- (6) applicable separation distances required in 18 AAC 72.
- (b) A revision proposed for approval under 18 AAC 72.230(a) must
  - (1) be clearly depicted with respect to the original plans;
  - (2) meet the applicable requirements of AS 46.03 and 18 AAC 72; and
  - (3) be signed and sealed by a registered engineer.

## **3.2 Electronic Reporting (E-Reporting) Rule**

### **3.2.1 E-Reporting Rule for DMRs (Phase I)**

The permittee must submit DMR data electronically through NetDMR per Phase I of the E-Reporting Rule (40 CFR 127) upon the effective date of the Permit. Authorized persons may access permit information by logging into the NetDMR Portal (<https://cdxnodengn.epa.gov/oeca-netdmr-web/action/login>). DMRs submitted in compliance with the E-Reporting Rule are not required to be submitted as described in Appendix A – Standard Conditions unless requested or approved by the Department. Any DMR data required by the Permit that cannot be reported in a NetDMR field (e.g., mixing zone, receiving water data), shall be included as an attachment to the NetDMR submittal. DEC has established an e-Reporting Information website at <https://dec.alaska.gov/water/compliance/electronic-reporting-rule> that contains general information about this new reporting format.

### **3.2.2 E-Reporting Rule for Other Reports (Phase II)**

Phase II of the E-Reporting rule will integrate electronic reporting for all other reports required by the Permit (e.g., Annual Reports and Certifications) and implementation is expected to begin December 2025. Permittees should monitor DEC's E-Reporting Information website <https://dec.alaska.gov/water/compliance/electronic-reporting-rule> for updates on Phase II of the E-Reporting Rule and will be notified when they must begin submitting all other reports electronically. Until such time, other reports required by the Permit may be submitted in accordance with Appendix A – Standard Conditions.

## **3.3 Cause to Modify or Revoke and Reissue**

The Department may find cause to modify or revoke and reissue the permit under the provisions of 18 AAC 83.135. Cause to modify the permit may include the receipt by the Department of new information that was not available at the time of permit issuance and that would have justified the imposition of different permit conditions at the time of issuance.

## **3.4 Removed Substances**

Collected screenings, grit, solids, scum, and other facility residuals, or other pollutants removed in the course of treatment or control of water and wastewaters shall be disposed of in a Department approved manner and method in accordance with 18 AAC 60, such as to prevent any pollution from such materials from entering navigable waters.

**APPENDIX A**

**STANDARD CONDITIONS**

**APDES PERMIT**

**NONDOMESTIC DISCHARGES**

**September 2011**



## TABLE OF CONTENTS

<b>1.0</b>	<b>Standard Conditions Applicable to All Permits .....</b>	<b>A-1</b>
1.1	Contact Information and Addresses .....	A-1
1.2	Duty to Comply .....	A-1
1.3	Duty to Reapply .....	A-2
1.4	Need to Halt or Reduce Activity Not a Defense .....	A-2
1.5	Duty to Mitigate .....	A-2
1.6	Proper Operation and Maintenance .....	A-2
1.7	Permit Actions .....	A-2
1.8	Property Rights .....	A-2
1.9	Duty to Provide Information .....	A-2
1.10	Inspection and Entry .....	A-3
1.11	Monitoring and Records .....	A-3
1.12	Signature Requirement and Penalties .....	A-4
1.13	Proprietary or Confidential Information .....	A-5
1.14	Oil and Hazardous Substance Liability .....	A-5
1.15	Cultural and Paleontological Resources .....	A-6
1.16	Fee .....	A-6
1.17	Other Legal Obligations .....	A-6
<b>2.0</b>	<b>Special Reporting Obligations .....</b>	<b>A-6</b>
2.1	Planned Changes .....	A-6
2.2	Anticipated Noncompliance .....	A-6
2.3	Transfers .....	A-7
2.4	Compliance Schedules .....	A-7
2.5	Corrective Information .....	A-7
2.6	Bypass of Treatment Facilities .....	A-7
2.7	Upset Conditions .....	A-8
2.8	Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges .....	A-8
<b>3.0</b>	<b>Monitoring, Recording, and Reporting Requirements .....</b>	<b>A-9</b>
3.1	Representative Sampling .....	A-9
3.2	Reporting of Monitoring Results .....	A-9
3.3	Additional Monitoring by Permittee .....	A-9
3.4	Twenty-four Hour Reporting .....	A-9
3.5	Other Noncompliance Reporting .....	A-10
<b>4.0</b>	<b>Penalties for Violations of Permit Conditions .....</b>	<b>A-10</b>
4.1	Civil Action .....	A-10
4.2	Injunctive Relief .....	A-11
4.3	Criminal Action .....	A-11
4.4	Other Fines .....	A-11

Appendix A of the permit contains standard regulatory language that must be included in all APDES permits. These requirements are based on the regulations and cannot be challenged in the context of an individual APDES permit action. The standard regulatory language covers requirements such as monitoring, recording, reporting requirements, compliance responsibilities, and other general requirements. Appendix A, Standard Conditions is an integral and enforceable part of the permit. Failure to comply with a Standard Condition in this Appendix constitutes a violation of the permit and is subject to enforcement.

## **1.0 Standard Conditions Applicable to All Permits**

### **1.1 Contact Information and Addresses**

#### **1.1.1 Permitting Program**

Documents, reports, and plans required under the permit and Appendix A are to be sent to the following address:

State of Alaska  
Department of Environmental Conservation  
Division of Water  
Wastewater Discharge Authorization Program  
555 Cordova Street  
Anchorage, Alaska 99501  
Telephone (907) 269-6285  
Fax (907) 269-3487  
Email: [DEC.WQPermit@alaska.gov](mailto:DEC.WQPermit@alaska.gov)

#### **1.1.2 Compliance and Enforcement Program**

Documents and reports required under the permit and Appendix A relating to compliance are to be sent to the following address:

State of Alaska  
Department of Environmental Conservation  
Division of Water  
Compliance and Enforcement Program  
555 Cordova Street  
Anchorage, Alaska 99501  
Telephone Nationwide (877) 569-4114  
Anchorage Area / International (907) 269-4114  
Fax (907) 269-4604  
Email: [dec-wqreporting@alaska.gov](mailto:dec-wqreporting@alaska.gov)

### **1.2 Duty to Comply**

A permittee shall comply with all conditions of the permittee's APDES permit. Any permit noncompliance constitutes a violation of 33 U.S.C 1251-1387 (Clean Water Act) and state law and is grounds for enforcement action including termination, revocation and reissuance, or modification of a permit, or denial of a permit renewal application. A permittee shall comply with effluent standards or prohibitions established under 33 U.S.C. 1317(a) for toxic pollutants within the time provided in the regulations that establish those effluent standards or prohibitions even if the permit has not yet been modified to incorporate the requirement.

### **1.3 Duty to Reapply**

If a permittee wishes to continue an activity regulated by this permit after its expiration date, the permittee must apply for and obtain a new permit. In accordance with 18 AAC 83.105(b), a permittee with a currently effective permit shall reapply by submitting a new application at least 180 days before the existing permit expires, unless the Department has granted the permittee permission to submit an application on a later date. However, the Department will not grant permission for an application to be submitted after the expiration date of the existing permit.

### **1.4 Need to Halt or Reduce Activity Not a Defense**

In an enforcement action, a permittee may not assert as a defense that compliance with the conditions of the permit would have made it necessary for the permittee to halt or reduce the permitted activity.

### **1.5 Duty to Mitigate**

A permittee shall take all reasonable steps to minimize or prevent any discharge in violation of this permit that has a reasonable likelihood of adversely affecting human health or the environment.

### **1.6 Proper Operation and Maintenance**

1.6.1 A permittee shall at all times properly operate and maintain all facilities and systems of treatment and control and related appurtenances that the permittee installs or uses to achieve compliance with the conditions of the permit. The permittee's duty to operate and maintain properly includes using adequate laboratory controls and appropriate quality assurance procedures. However, a permittee is not required to operate back-up or auxiliary facilities or similar systems that a permittee installs unless operation of those facilities is necessary to achieve compliance with the conditions of the permit.

1.6.2 Operation and maintenance records shall be retained and made available at the site.

### **1.7 Permit Actions**

A permit may be modified, revoked and reissued, or terminated for cause as provided in 18 AAC 83.130. If a permittee files a request to modify, revoke and reissue, or terminate a permit, or gives notice of planned changes or anticipated noncompliance, the filing or notice does not stay any permit condition.

### **1.8 Property Rights**

A permit does not convey any property rights or exclusive privilege.

### **1.9 Duty to Provide Information**

A permittee shall, within a reasonable time, provide to the Department any information that the Department requests to determine whether a permittee is in compliance with the permit, or whether cause exists to modify, revoke and reissue, or terminate the permit. A permittee shall also provide to the Department, upon request, copies of any records the permittee is required to keep under the permit.

## 1.10 Inspection and Entry

A permittee shall allow the Department, or an authorized representative, including a contractor acting as a representative of the Department, at reasonable times and on presentation of credentials establishing authority and any other documents required by law, to:

- 1.10.1 Enter the premises where a permittee's regulated facility or activity is located or conducted, or where permit conditions require records to be kept;
- 1.10.2 Have access to and copy any records that permit conditions require the permittee to keep;
- 1.10.3 Inspect any facilities, equipment, including monitoring and control equipment, practices, or operations regulated or required under a permit; and
- 1.10.4 Sample or monitor any substances or parameters at any location for the purpose of assuring permit compliance or as otherwise authorized by 33 U.S.C. 1251-1387 (Clean Water Act).

## 1.11 Monitoring and Records

A permittee must comply with the following monitoring and recordkeeping conditions:

- 1.11.1 Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- 1.11.2 The permittee shall retain records in Alaska of all monitoring information for at least three years, or longer at the Department's request at any time, from the date of the sample, measurement, report, or application. Monitoring records required to be kept include:
  - 1.11.2.1 All calibration and maintenance records,
  - 1.11.2.2 All original strip chart recordings or other forms of data approved by the Department for continuous monitoring instrumentation,
  - 1.11.2.3 All reports required by a permit,
  - 1.11.2.4 Records of all data used to complete the application for a permit,
  - 1.11.2.5 Field logbooks or visual monitoring logbooks,
  - 1.11.2.6 Quality assurance chain of custody forms,
  - 1.11.2.7 Copies of discharge monitoring reports, and
  - 1.11.2.8 A copy of this APDES permit.
- 1.11.3 Records of monitoring information must include:
  - 1.11.3.1 The date, exact place, and time of any sampling or measurement;
  - 1.11.3.2 The name(s) of any individual(s) who performed the sampling or measurement(s);
  - 1.11.3.3 The date(s) and time any analysis was performed;
  - 1.11.3.4 The name(s) of any individual(s) who performed any analysis;
  - 1.11.3.5 Any analytical technique or method used; and
  - 1.11.3.6 The results of the analysis.

### 1.11.4 Monitoring Procedures

Analyses of pollutants must be conducted using test procedures approved under 40 CFR Part 136, adopted by reference at 18 AAC 83.010, for pollutants with approved test procedures, and using test procedures specified in the permit for pollutants without approved methods.

## 1.12 Signature Requirement and Penalties

- 1.12.1 Any application, report, or information submitted to the Department in compliance with a permit requirement must be signed and certified in accordance with 18 AAC 83.385. Any person who knowingly makes any false material statement, representation, or certification in any application, record, report, or other document filed or required to be maintained under a permit, or who knowingly falsifies, tampers with, or renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be subject to penalties under 33 U.S.C. 1319(c)(4), AS 12.55.035(c)(1)(B), (c)(2) and (c)(3), and AS 46.03.790(g).
- 1.12.2 In accordance with 18 AAC 83.385, an APDES permit application must be signed as follows:
- 1.12.2.1 For a corporation, a responsible corporate officer shall sign the application; in this subsection, a responsible corporate officer means:
- 1.12.2.1.1 A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or
- 1.12.2.1.2 The manager of one of more manufacturing, production, or operating facilities, if
- 1.12.2.1.2.1 The manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental statutes and regulations;
- 1.12.2.1.2.2 The manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and
- 1.12.2.1.2.3 Authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- 1.12.2.2 For a partnership or sole proprietorship, by the general partner or the proprietor, respectively, shall sign the application.
- 1.12.2.3 For a municipality, state, federal, or other public agency, either a principal executive officer or ranking elected official shall sign the application; in this subsection, a principal executive officer of an agency means:
- 1.12.2.3.1 The chief executive officer of the agency; or
- 1.12.2.3.2 A senior executive officer having responsibility for the overall operations of a principal geographic unit or division of the agency.
- 1.12.3 Any report required by an APDES permit, and a submittal with any other information requested by the Department, must be signed by a person described in Appendix A, Part 1.12.2, or by a duly authorized representative of that person. A person is a duly authorized representative only if:
- 1.12.3.1 The authorization is made in writing by a person described in Appendix A, Part 1.12.2;

- 1.12.3.2 The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, including the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility; or an individual or position having overall responsibility for environmental matters for the company; and
- 1.12.3.3 The written authorization is submitted to the Department to the Permitting Program address in Appendix A, Part 1.1.1.
- 1.12.4 If an authorization under Appendix A, Part 1.12.3 is no longer effective because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of Appendix A, Part 1.12.3 must be submitted to the Department before or together with any report, information, or application to be signed by an authorized representative.
- 1.12.5 Any person signing a document under Appendix A, Part 1.12.2 or Part 1.12.3 shall certify as follows:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

### **1.13 Proprietary or Confidential Information**

- 1.13.1 A permit applicant or permittee may assert a claim of confidentiality for proprietary or confidential business information by stamping the words "confidential business information" on each page of a submission containing proprietary or confidential business information. The Department will treat the stamped submissions as confidential if the information satisfies the test in 40 CFR §2.208, adopted by reference at 18 AAC 83.010, and is not otherwise required to be made public by state law.
- 1.13.2 A claim of confidentiality under Appendix A, Part 1.13.1 may not be asserted for the name and address of any permit applicant or permittee, a permit application, a permit, effluent data, sewage sludge data, and information required by APDES or NPDES application forms provided by the Department, whether submitted on the forms themselves or in any attachments used to supply information required by the forms.
- 1.13.3 A permittee's claim of confidentiality authorized under Appendix A, Part 1.13.1 is not waived if the Department provides the proprietary or confidential business information to the EPA or to other agencies participating in the permitting process. The Department will supply any information obtained or used in the administration of the state APDES program to the EPA upon request under 40 CFR §123.41, as revised as of July 1, 2005. When providing information submitted to the Department with a claim of confidentiality to the EPA, the Department will notify the EPA of the confidentiality claim. If the Department provides the EPA information that is not claimed to be confidential, the EPA may make the information available to the public without further notice.

### **1.14 Oil and Hazardous Substance Liability**

Nothing in this permit shall be construed to preclude the institution of any action or relieve a permittee

from any responsibilities, liabilities, or penalties to which the permittee is or may be subject to under state laws addressing oil and hazardous substances.

### **1.15 Cultural and Paleontological Resources**

If cultural or paleontological resources are discovered because of this disposal activity, work that would disturb such resources is to be stopped, and the Office of History and Archaeology, a Division of Parks and Outdoor Recreation of the Alaska Department of Natural Resources (<http://www.dnr.state.ak.us/parks/oha/>), is to be notified immediately at (907) 269-8721.

### **1.16 Fee**

A permittee must pay the appropriate permit fee described in 18 AAC 72.

### **1.17 Other Legal Obligations**

This permit does not relieve the permittee from the duty to obtain any other necessary permits from the Department or from other local, state, or federal agencies and to comply with the requirements contained in any such permits. All activities conducted and all plan approvals implemented by the permittee pursuant to the terms of this permit shall comply with all applicable local, state, and federal laws and regulations.

## **2.0 Special Reporting Obligations**

### **2.1 Planned Changes**

- 2.1.1 The permittee shall give notice to the Department as soon as possible of any planned physical alteration or addition to the permitted facility if:
  - 2.1.1.1 The alteration or addition may make the facility a “new source” under one or more of the criteria in 18 AAC 83.990(44); or
  - 2.1.1.2 The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged if those pollutants are not subject to effluent limitations in the permit or to notification requirements under 18 AAC 83.610.
- 2.1.2 If the proposed changes are subject to plan review, then the plans must be submitted at least 30 days before implementation of changes (see 18 AAC 15.020 and 18 AAC 72 for plan review requirements). Written approval is not required for an emergency repair or routine maintenance.
- 2.1.3 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

### **2.2 Anticipated Noncompliance**

- 2.2.1 A permittee shall give seven days’ notice to the Department before commencing any planned change in the permitted facility or activity that may result in noncompliance with permit requirements.
- 2.2.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## **2.3 Transfers**

- 2.3.1 A permittee may not transfer a permit for a facility or activity to any person except after notice to the Department in accordance with 18 AAC 83.150. The Department may modify or revoke and reissue the permit to change the name of the permittee and incorporate such other requirements under 33 U.S.C. 1251-1387 (Clean Water Act) or state law.
- 2.3.2 Written notice must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## **2.4 Compliance Schedules**

- 2.4.1 A permittee must submit progress or compliance reports on interim and final requirements in any compliance schedule of a permit no later than 14 days following the scheduled date of each requirement.
- 2.4.2 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## **2.5 Corrective Information**

- 2.5.1 If a permittee becomes aware that it failed to submit a relevant fact in a permit application or submitted incorrect information in a permit application or in any report to the Department, the permittee shall promptly submit the relevant fact or the correct information.
- 2.5.2 Information must be sent to the Permitting Program address in Appendix A, Part 1.1.1.

## **2.6 Bypass of Treatment Facilities**

### **2.6.1 Prohibition of Bypass**

Bypass is prohibited. The Department may take enforcement action against a permittee for any bypass, unless:

- 2.6.1.1 The bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
- 2.6.1.2 There were no feasible alternatives to the bypass, including use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. However, this condition is not satisfied if the permittee, in the exercise of reasonable engineering judgment, should have installed adequate back-up equipment to prevent a bypass that occurred during normal periods of equipment downtime or preventive maintenance; and
- 2.6.1.3 The permittee provides notice to the Department of a bypass event in the manner, as appropriate, under Appendix A, Part 2.6.2.

### **2.6.2 Notice of bypass**

- 2.6.2.1 For an anticipated bypass, the permittee submits notice at least 10 days before the date of the bypass. The Department may approve an anticipated bypass, after considering its adverse effects, if the Department determines that it will meet the conditions of Appendix A, Parts 2.6.1.1 and 2.6.1.2.
- 2.6.2.2 For an unanticipated bypass, the permittee submits 24-hour notice, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting.
- 2.6.2.3 Written notice must be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

### **2.6.3 Notwithstanding Appendix A, Part 2.6.1, a permittee may allow a bypass that:**



- 2.6.3.1 Does not cause an effluent limitation to be exceeded, and
- 2.6.3.2 Is for essential maintenance to assure efficient operation.

## **2.7 Upset Conditions**

- 2.7.1 In any enforcement action for noncompliance with technology-based permit effluent limitations, a permittee may claim upset as an affirmative defense. A permittee seeking to establish the occurrence of an upset has the burden of proof to show that the requirements of Appendix A, Part 2.7.2 are met.
- 2.7.2 To establish the affirmative defense of upset, the permittee must demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
  - 2.7.2.1 An upset occurred and the permittee can identify the cause or causes of the upset;
  - 2.7.2.2 The permitted facility was at the time being properly operated;
  - 2.7.2.3 The permittee submitted 24-hour notice of the upset, as required in 18 AAC 83.410(f) and Appendix A, Part 3.4, Twenty-four Hour Reporting; and
  - 2.7.2.4 The permittee complied with any mitigation measures required under 18 AAC 83.405(e) and Appendix A, Part 1.5, Duty to Mitigate.
- 2.7.3 Any determination made in administrative review of a claim that noncompliance was caused by upset, before an action for noncompliance is commenced, is not final administrative action subject to judicial review.

## **2.8 Existing Manufacturing, Commercial, Mining, and Silvicultural Discharges**

- 2.8.1 In addition to the reporting requirements under 18 AAC 83.410, an existing manufacturing, commercial, mining, and silvicultural discharger shall notify the Department as soon as that discharger knows or has reason to believe that any activity has occurred or will occur that would result in:
  - 2.8.1.1 The discharge, on a routine or frequent basis, of any toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - 2.8.1.1.1 One hundred micrograms per liter (100 µg/L);
    - 2.8.1.1.2 Two hundred micrograms per liter (200 µg/L) for acrolein and acrylonitrile, 500 micrograms per liter (500 µg/L) for 2,4-dinitrophenol and for 2-methyl-4,6-dinitrophenol, and one milligram per liter (1 mg/L) for antimony;
    - 2.8.1.1.3 Five times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
    - 2.8.1.1.4 The level established by the Department in accordance with 18 AAC 83.445.
  - 2.8.1.2 Any discharge, on a non-routine or infrequent basis, of a toxic pollutant that is not limited in the permit, if that discharge will exceed the highest of the following notification levels:
    - 2.8.1.2.1 Five hundred micrograms per liter (500 µg/L);
    - 2.8.1.2.2 One milligram per liter (1 mg/L) for antimony;

- 2.8.1.2.3 Ten times the maximum concentration value reported for that pollutant in the permit application in accordance with 18 AAC 83.310(c)-(g); or
- 2.8.1.2.4 The level established by the Department in accordance with 18 AAC 83.445.

### **3.0 Monitoring, Recording, and Reporting Requirements**

#### **3.1 Representative Sampling**

A permittee must collect effluent samples from the effluent stream after the last treatment unit before discharge into the receiving waters. Samples and measurements must be representative of the volume and nature of the monitored activity or discharge.

#### **3.2 Reporting of Monitoring Results**

The permittee shall summarize monitoring results on the annual report form or approved equivalent. The permittee shall submit its annual report at the interval specified in the permit. The permittee shall sign and certify all annual reports and other reports in accordance with the requirements of Appendix A, Part 1.12, Signatory Requirement and Penalties. The permittee shall submit the legible originals of these documents to the ADEC Compliance and Enforcement Program at the address in Appendix A, Part 1.1.2.

#### **3.3 Additional Monitoring by Permittee**

If the permittee monitors any pollutant more frequently than the permit requires using test procedures approved in 40 CFR Part 136, adopted by reference at 18 AAC 83.010, or as specified in this permit, the results of that additional monitoring must be included in the calculation and reporting of the data submitted in the DMR or annual report required by Appendix A, Part 3.2. All limitations that require averaging of measurements must be calculated using an arithmetic means unless the Department specifies another method in the permit. Upon request by the Department, the permittee must submit the results of any other sampling and monitoring regardless of the test method used.

#### **3.4 Twenty-four Hour Reporting**

A permittee shall report any noncompliance event that may endanger health or the environment as follows:

- 3.4.1 A report must be made:
  - 3.4.1.1 Orally within 24 hours after the permittee becomes aware of the circumstances, and
  - 3.4.1.2 In writing within five days after the permittee becomes aware of the circumstances.
- 3.4.2 A report must include the following information:
  - 3.4.2.1 A description of the noncompliance and its causes, including the estimated volume or weight and specific details of the noncompliance;
  - 3.4.2.2 The period of noncompliance, including exact dates and times;
  - 3.4.2.3 If the noncompliance has not been corrected, a statement regarding the anticipated time the noncompliance is expected to continue; and
  - 3.4.2.4 Steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.

- 3.4.3 An event that must be reported within 24 hours includes:
  - 3.4.3.1 An unanticipated bypass that exceeds any effluent limitation in the permit (see Appendix A, Part 2.6, Bypass of Treatment Facilities).
  - 3.4.3.2 An upset that exceeds any effluent limitation in the permit (see Appendix A, Part 2.7, Upset Conditions).
  - 3.4.3.3 A violation of a maximum daily discharge limitation for any of the pollutants listed in the permit as requiring 24-hour reporting.
- 3.4.4 The Department may waive the written report on a case-by-case basis for reports under Appendix A, Part 3.4 if the oral report has been received within 24 hours of the permittee becoming aware of the noncompliance event.
- 3.4.5 The permittee may satisfy the written reporting submission requirements of Appendix A, Part 3.4 by submitting the written report via e-mail, if the following conditions are met:
  - 3.4.5.1 The Noncompliance Notification Form or equivalent form is used to report the noncompliance;
  - 3.4.5.2 The written report includes all the information required under Appendix A, Part 3.4.2;
  - 3.4.5.3 The written report is properly certified and signed in accordance with Appendix A, Parts 1.12.3 and 1.12.5.;
  - 3.4.5.4 The written report is scanned as a PDF (portable document format) document and transmitted to the Department as an attachment to the e-mail; and
  - 3.4.5.5 The permittee retains in the facility file the original signed and certified written report and a printed copy of the conveying email.
- 3.4.6 The e-mail and PDF written report will satisfy the written report submission requirements of this permit provided the e-mail is received by the Department within five days after the time the permittee becomes aware of the noncompliance event and the e-mail and written report satisfy the criteria of Part 3.4.5. The e-mail address to report noncompliance is:  
[dec-wqreporting@alaska.gov](mailto:dec-wqreporting@alaska.gov)

### **3.5 Other Noncompliance Reporting**

A permittee shall report all instances of noncompliance not required to be reported under Appendix A, Parts 2.4 (Compliance Schedules), 3.3 (Additional Monitoring by Permittee), and 3.4 (Twenty-four Hour Reporting) at the time the permittee submits monitoring reports under Appendix A, Part 3.2. (Reporting of Monitoring Results). A report of noncompliance under this part must contain the information listed in Appendix A, Part 3.4.2 and be sent to the Compliance and Enforcement Program address in Appendix A, Part 1.1.2.

## **4.0 Penalties for Violations of Permit Conditions**

Alaska laws allow the State to pursue both civil and criminal actions concurrently. The following is a summary of Alaska law. Permittees should read the applicable statutes for further substantive and procedural details.

### **4.1 Civil Action**

Under AS 46.03.760(e), a person who violates or causes or permits to be violated a regulation, a lawful

order of the Department, or a permit, approval, or acceptance, or term or condition of a permit, approval or acceptance issued under the program authorized by AS 46.03.020 (12) is liable, in a civil action, to the State for a sum to be assessed by the court of not less than \$500 nor more than \$100,000 for the initial violation, nor more than \$10,000 for each day after that on which the violation continues, and that shall reflect, when applicable:

- 4.1.1 Reasonable compensation in the nature of liquated damages for any adverse environmental effects caused by the violation, that shall be determined by the court according to the toxicity, degradability, and dispersal characteristics of the substance discharged, the sensitivity of the receiving environment, and the degree to which the discharge degrades existing environmental quality;
- 4.1.2 Reasonable costs incurred by the State in detection, investigation, and attempted correction of the violation;
- 4.1.3 The economic savings realized by the person in not complying with the requirements for which a violation is charged; and
- 4.1.4 The need for an enhanced civil penalty to deter future noncompliance.

## **4.2 Injunctive Relief**

- 4.2.1 Under AS 46.03.820, the Department can order an activity presenting an imminent or present danger to public health or that would be likely to result in irreversible damage to the environment be discontinued. Upon receipt of such an order, the activity must be immediately discontinued.
- 4.2.2 Under AS 46.03.765, the Department can bring an action in Alaska Superior Court seeking to enjoin ongoing or threatened violations for Department-issued permits and Department statutes and regulations.

## **4.3 Criminal Action**

Under AS 46.03.790(h), a person is guilty of a Class A misdemeanor if the person negligently:

- 4.3.1 Violates a regulation adopted by the Department under AS 46.03.020(12);
- 4.3.2 Violates a permit issued under the program authorized by AS 46.03.020(12);
- 4.3.3 Fails to provide information or provides false information required by a regulation adopted under AS 46.03.020(12);
- 4.3.4 Makes a false statement, representation, or certification in an application, notice, record, report, permit, or other document filed, maintained, or used for purposes of compliance with a permit issued under or a regulation adopted under AS 46.03.020(12); or
- 4.3.5 Renders inaccurate a monitoring device or method required to be maintained by a permit issued or under a regulation adopted under AS 46.03.020(12).

## **4.4 Other Fines**

Upon conviction of a violation of a regulation adopted under AS 46.03.020(12), a defendant who is not an organization may be sentenced to pay a fine of not more than \$10,000 for each separate violation (AS 46.03.790(g)). A defendant that is an organization may be sentenced to pay a fine not exceeding the greater of: (1) \$200,00; (2) three times the pecuniary gain realized by the defendant as a result of the offense; or (3) three times the pecuniary damage or loss caused by the defendant to another, or the property of another, as a result of the offense (AS 12.55.035(c)(B), (c)(2), and (c)(3)).

# Appendix B

## Acronyms

## APPENDIX B

The following acronyms are common terms that may be found in an Alaska Pollutant Discharge Elimination System (APDES) permit.

18 AAC 15	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 15: Administrative Procedures
18 AAC 70	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 70: Water Quality Standards
18 AAC 72	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 72: Wastewater Disposal
18 AAC 83	Alaska Administrative Code. Title 18 Environmental Conservation, Chapter 83: Alaska Pollutant Discharge Elimination System

All chapters of Alaska Administrative Code, Title 18 are available at the Alaska Administrative Code database <http://www.legis.state.ak.us/cgi-bin/folioisa.dll/aac>

40 CFR	<a href="#">Code of Federal Regulations Title 40: Protection of Environment</a>
AAC	Alaska Administrative Code
ADEC or DEC	Alaska Department of Environmental Conservation
APDES	Alaska Pollutant Discharge Elimination System
ADF&G	Alaska Department of Fish and Game
AS	Alaska Statutes
AS 46.03	Alaska Statutes Title 46, Chapter 03: Environmental Conservation. Available at <a href="http://www.legis.state.ak.us/default.htm">http://www.legis.state.ak.us/default.htm</a>
AML	Average Monthly Limit
BMP	Best Management Practices
BTA	Best Technology Available
° C	Degrees Celsius
C <sub>d</sub>	Aquatic life criteria that cannot be exceed downstream
C <sub>e</sub>	Concentration of pollutant in effluent
C <sub>u</sub>	Upstream background concentration of pollutant
CFR	Code of Federal Regulations
cfs	Cubic feet per second
CV	Coefficient of Variation
CWA	Clean Water Act
D	Dilution Factor
DMR	Discharge Monitoring Report
EFH	Essential Fish Habitat
EIA	Environmental Impact Analysis
ELG	Effluent Limit Guidelines

## APPENDIX B

EPA	U.S. Environmental Protection Agency
ESA	Endangered Species Act
fps	Feet per second
ft	Feet
gpd	Gallons per day
gpm	Gallons per minute
ICIS	Integrated Compliance Information System
L	Liter
lb	Pound
LC	Lethal Concentration
MDL	Maximum Daily Limit
MDL	Method Detection Limit
MEC	Maximum Expected Concentration
mg/L	Milligrams per Liter
mgd	Million gallons per day
ML	Minimum Level
MOC	Maximum Observed Concentration
n	Sample size
NMFS	National Marine Fisheries Service
NOEC	No observed effect concentration
NPDES	National Pollutant Discharge Elimination System
N/A	Not Applicable
QA	Quality Assurance
QAPP	Quality Assurance Project Plan
QC	Quality Control
$Q_d$	Receiving Waterbody Flow Rate = $Q_e + Q_u$
$Q_e$	Effluent Flow
$Q_u$	Receiving Waterbody Flow
RP	Reasonable Potential
RPA	Reasonable Potential Analysis
RPM	Reasonable Potential Multiplier
s.u.	Standard Units
TBEL	Technology-Based Effluent Limit
TRE	Toxicity Reduction Evaluation
TSD	Technical Support Document
TSS	Total Suspended Solids

## APPENDIX B

TU <sub>a</sub>	Acute Toxic Units
TU <sub>c</sub>	Chronic Toxic Units
μ	Mean
μg/L	Micrograms per Liter
U.S.C.	United States Code
USFWS	United States Fish and Wildlife Service
UPS	Upstream
WET	Whole Effluent Toxicity
WLA	Waste Load Allocation
WQBEL	Water-Quality Based Effluent Limit
WQS	Water Quality Standards
z	Z test value or z score
σ	Standard deviation



# Appendix C

## Definitions

## APPENDIX C

The following are common definitions of terms associated with APDES permits. Not all the terms listed may appear in a permit. Consult the footnote references for a complete list of terms and definitions.

Administrator <sup>a</sup>	Means the Administrator of the EPA or an authorized representative.
Alaska Pollutant Discharge Elimination System (APDES) <sup>a</sup>	Means the state's program, approved by EPA under 33 U.S.C. 1342(b), for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits and imposing and enforcing pretreatment requirements under 33 U.S.C. 1317, 1328, 1342, and 1345.
Aquaculture <sup>b</sup>	Means the cultivation of aquatic plants or animals for human use or consumption.
Average	Means an arithmetic mean obtained by adding quantities and dividing the sum by the number of quantities.
Average Monthly Limit	Means the highest allowable average of "daily discharges" over a calendar month calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured for that month.
Bypass <sup>a</sup>	Means the intentional diversion of waste streams from any portion of a treatment facility.
Clean Water Act (CWA) <sup>a</sup>	Means the federal law codified at 33 U.S.C. 1251-1387, also referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972.
Commissioner <sup>a</sup>	Means the commissioner of the Alaska Department of Environmental Conservation or the commissioner's designee.
Composite Samples	Composite samples must consist of at least eight equal volume grab samples. 24 hour composite sample means a combination of at least eight discrete samples of equal volume collected at equal time intervals over a 24-hour period at the same location. A "flow proportional composite" sample means a combination of at least eight discrete samples collected at equal time intervals over a 24-hour period with each sample volume proportioned according to the flow volume. The sample aliquots must be collected and stored in accordance with procedures prescribed in the most recent edition of <i>Standard Methods for the Examination of Water and Wastewater</i> .
Criterion <sup>b</sup>	Means a set concentration or limit of a water quality parameter that, when not exceeded, will protect an organism, a population of organisms, a community of organisms, or a prescribed water use with a reasonable degree of safety. A criterion might be a narrative statement instead of a numerical concentration or limit.
Daily Discharge <sup>a</sup>	Means the discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for the purposes of sampling. For pollutants measured in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day. For pollutants with a limitation expressed in other units of measurement, the "daily discharge" is calculated as the average measurement of the pollutant over the day.

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 40 CFR Part 136

d) See EPA Technical Support Document

e) See Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup> Edition

f) See EPA Permit Writers Manual

## APPENDIX C

Department <sup>a</sup>	Means the Alaska Department of Environmental Conservation.
Design Flow <sup>a</sup>	Means the wastewater flow rate that the plant was designed to handle.
Director <sup>a</sup>	Means the commissioner or the commissioner's designee assigned to administer the APDES program or a portion of it, unless the context identifies an EPA director.
Discharge <sup>a</sup>	When used without qualification, discharge means the discharge of a pollutant.
Discharge of a Pollutant <sup>a</sup>	Means any addition of any pollutant or combination of pollutants to waters of the United States from any point source or to waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft that is being used as a means of transportation. Discharge includes any addition of pollutants into waters of the United States from surface runoff that is collected or channeled by humans; discharges through pipes, sewers, or other conveyances owned by a state, municipality, or other person that do not lead to a treatment works; discharges through pipes, sewers, or other conveyances leading into privately owned treatment works; and does not include an addition of pollutants by any indirect discharger.
Effluent <sup>b</sup>	Means the segment of a wastewater stream that follows the final step in a treatment process and precedes discharge of the wastewater stream to the receiving environment.
Final Approval to Operate	Means the approval that the Department issues after it has reviewed and approved the construction and operation of the engineered wastewater treatment works plans submitted to the Department in accordance with 18 AAC 72.215 through 18 AAC 72.280 or as amended.
Grab Sample	Means a single instantaneous sample collected at a particular place and time that represents the composition of wastewater only at that time and place.
Influent	Means untreated wastewater before it enters the first treatment process of a wastewater treatment works.
Lethal Concentration 50% (LC <sub>50</sub> )	Means the toxicant concentration that would cause death in 50% of the test organisms.
Maximum Daily Limit <sup>a</sup>	Means the highest allowable "daily discharge".
Mean <sup>b</sup>	Means the average of values obtained over a specified period and, for fecal coliform analysis, is computed as a geometric mean.
Measured	Means the actual volume of wastewater discharged using appropriate mechanical or electronic equipment to provide a totalized reading. Measure does not provide a recorded measurement of instantaneous rates.
Method Detection Limit (MDL) <sup>c</sup>	Means the minimum concentration of a substance (analyte) that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.
Micrograms per Liter (µg/L) <sup>b</sup>	Means the concentration at which one millionth of a gram (10 <sup>-6</sup> g) is found in a volume of one liter.
Milligrams per Liter	Means the concentration at which one thousandth of a gram (10 <sup>-3</sup> g) is found in a

a) See 18 AAC 83

b) See 18 AAC 70.990

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e) See Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup> Edition

f) See EPA Permit Writers Manual

## APPENDIX C

(mg/L) <sup>b</sup>	volume of one liter. It is approximately equal to the unit “parts per million (ppm),” formerly of common use.
Minimum Level (ML) <sup>d</sup>	Means the concentration at which the entire analytical system must give a recognizable signal and an acceptable calibration point. The ML is the concentration in a sample that is equivalent to the concentration of the lowest calibration standard analyzed by a specific analytical procedure, assuming that all the method-specified sample weights, volumes, and processing steps have been followed. This level is used as the compliance level if the effluent limit is below it.
Mixing Zone <sup>b</sup>	Means a volume of water adjacent to a discharge in which wastes discharged mix with the receiving water.
Month	Means the time period from the 1 <sup>st</sup> of a calendar month to the last day in the month.
Monthly Average	Means the average of daily discharges over a monitoring month calculated as the sum of all daily discharges measured during a monitoring month divided by the number of daily discharges measured during that month.
No Observed Effect Concentration (NOEC) <sup>e</sup>	Means the highest concentration of an effluent or a toxicant at which no adverse effects are observed on the aquatic test organisms at a specific time of observation. NOEC is determined using hypothesis testing.
Permittee	Means a company, organization, association, entity, or person who is issued a wastewater permit and is responsible for ensuring compliance, monitoring, and reporting as required by the permit.
pH <sup>f</sup>	Means a measure of the hydrogen ion concentration of water or wastewater; expressed as the negative log of the hydrogen ion concentration in mg/L. A pH of 7 is neutral. A pH less than 7 is acidic, and a pH greater than 7 is basic.
Pollutant <sup>a</sup>	Means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under 42 U.S.C. 2011), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, or agricultural waste discharged into water.
Priority Pollutants	Means the set of chemical pollutants that EPA regulates and for which EPA has published analytical test methods. A list of the Priority Pollutants can be found in Appendix A to 40 CFR Part 423.
Principal Executive Officer <sup>a</sup>	Means the chief executive officer of the agency or a senior executive officer having responsibility for the overall operations of a principal geographic unit of division of the agency.
Quality Assurance Project Plan (QAPP)	Means a system of procedures, checks, audits, and corrective actions to ensure that all research design and performance, environmental monitoring and sampling, and other technical and reporting activities are of the highest achievable quality.
Quarter	Means the time period of three months based on the calendar year beginning with January.

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 40 CFR Part 136

d) See EPA Technical Support Document

e) See Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup> Edition

f) See EPA Permit Writers Manual

## APPENDIX C

Receiving Waterbody	Means lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, straits, passages, canals, the Pacific Ocean, Gulf of Alaska, Bering Sea, and Arctic Ocean, in the territorial limits of the state, and all other bodies of surface water, natural or artificial, public or private, inland or coastal, fresh or salt, which are wholly or partially in or bordering the state or under the jurisdiction of the state. (See “Waters of the U.S.” at 18 AAC 83.990(77)).
Recorded	Means a permanent record using mechanical or electronic equipment to provide a totalized reading, as well as a record of instantaneous readings.
Report	Report results of analysis.
Reporting Limit	Minimum concentration of a given parameter that can be reliably measured and reported by a laboratory using a particular analytical method. A reporting limit is greater than or equal to a method detection limit and is typically set by a laboratory.
Responsible Corporate Officer <sup>a</sup>	<p>Means a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation.</p> <p>The Responsible Corporate Officer can also be the manager of one or more manufacturing, production, or operating facilities if the requirements of 18 AAC 83.385(a)(1)(B)(i)-(iii) are met.</p>
Suspended Solids	Means insoluble solids that either float on the surface of, or are in suspension in, water, wastewater, or other liquids. The quantity of material removed from wastewater in a laboratory test, as prescribed in <i>Standard Methods for the Examination of Water and Wastewater</i> and referred to as nonfilterable.
Total Suspended Solids (TSS) <sup>f</sup>	Means a measure of the filterable solids present in a sample, as determined by the method specified in 40 CFR Part 136.
Toxic Unit, Chronic (TUC) <sup>e</sup>	Means the reciprocal of the effluent concentration that causes no observable effect on the test organisms by the end of the chronic exposure period (i.e., 100/NOEC).
Twice per year	Means two time periods during the calendar year: October through April and May through September.
Upset <sup>a</sup>	Means an exceptional incident in which there is unintentional and temporary noncompliance with technology-based effluent limitations because of factors beyond the reasonable control of the permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
Waters of the United States or Waters of the U.S.	Has the meaning given in 18 AAC 83.990(77).
Water Supply <sup>b</sup>	Means any of the waters of the United States that are designated in 18 AAC 70 to be protected for fresh water or marine water uses. Water supply includes waters used for drinking, culinary, food processing, agricultural, aquacultural, seafood processing, and

a) See 18 AAC 83

b) See 18 AAC 70.990

c) See 40 CFR Part 136

d) See EPA Technical Support Document

e) See Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup> Edition

f) See EPA Permit Writers Manual

## APPENDIX C

industrial purposes. Water supply does not necessarily mean that water in a waterbody that is protected as a supply for the uses listed in this paragraph is safe to drink in its natural state.

Week

Means the time period of Sunday through Saturday.

- a) See 18 AAC 83
- b) See 18 AAC 70.990
- c) See 40 CFR Part 136
- d) See EPA Technical Support Document
- e) See Standard Methods for the Examination of Water and Wastewater 18<sup>th</sup> Edition
- f) See EPA Permit Writers Manual